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Justice Court: (845) 688-5005
Assessor: (845) 688-5003
Assessor Fax: (845) 688-5708
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"The Heart of the Park... Where the Eagle Soars"

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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
October 12, 2022**

The regular monthly meeting was called to order with the pledge of allegiance at 7:00pm.

Roll called by Grace Grant; attendance recorded as follows:

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Absent
John Horn	Present
Allen Shiner	Absent
Sam Spata	Present
Vivian Welton	Present

Roll Call Summary: 5 Present, 2 Absent

Others Present: ZEO Grace Grant (acting secretary for this meeting,) Dave and Dara Heinlein, Howard Widensky, Warren Tutt, Joe Boek, Ted Reynolds, Rob Stanley and Kevin VanBlarcum

Minutes:

A motion was made by Board Member Christie to approve the minutes from the previous meeting as written, seconded by Board Member Spata; all in favor.

Old Business:

Watanabe

Ted Reynolds and Joe Boek attended the meeting to update the Board re: a future application for a Special Use Permit to convert an existing garage to an Accessory Dwelling at 113 Christie Court in Phoenicia, SBL# 14.1-3-11, owned by Junko and Magonobu Watanabe.

Board Member Christie is recused from this conversation.

Mr. Boek shared the plan for the Septic and let the Board know he is working with Ulster County DOH and the DEP, and hopes to get that septic design approved in the near future.

Mr. Reynolds asks what steps need to be taken so that they can submit an application for the Special Use Permit. ZEO Grant informs him that according to the covenants included in the subdivision that the house is located in, they will need to get, in writing, a statement from every parcel holder in the subdivision stating that they do not have any problems with the proposed conversion of the garage. Those letters, along with a completed application, any required supporting documents and the fee need to be submitted to the Board.

New Business:

APFU LLC – 13.-2-1.110/13.-2-1.120/13.7-1-15

Warren Tutt is representing Howard Widensky for this project. Mr. Widensky purchased the property and is proposing a seven-unit Town House. Mr. Widensky received a letter from the ZEO stating that a multi-Family dwelling could only be approved from the conversion of an existing structure. While true, Mr. Tutt states that there is no definition of a Multi Family dwelling in the Town Code. He states that in New York State codes, a Town House is not listed as a multi-Family dwelling, but rather a Single-Family dwelling regulated by residential codes. He says that as such, Mr. Widensky is proposing 7 single-family dwellings. The reason he is proposing 7 units is because that is the largest septic system that can be designed on that property. He asks how the Board wants to look at the proposed Town House, as 7 single family dwellings, or as a multi-family dwelling. Chair Rabuffo asks how many acres would be involved in the project. Mr. Widensky owns roughly 18 acres between 3 abutting lots.

Board Member Christie asks Mr. Tutt to review Town Code §116-32 regarding Cluster Developments to see what will be required, as that's what this would fall under. Board Member Christie states there are several requirements that have to be met. ZEO Grant states that there can't be more than 6 units in a single structure for a Cluster Development located in a Residential 1.5-acre zoning district according to the Code.

The Board reviewed the available acreage, and it looks like what is being proposed falls within the requirements. The application before the Board currently is for a subdivision, but given that they will likely be moving forward with a Cluster Development permit, rather than a subdivision it's likely that a lot line revision would be more appropriate. Mr. Tutt asks Mr. Widensky if he is alright with 6 units, Mr. Widensky says yes.

They will modify the plans as required and submit to the Board.

Heinlein – 14.5-2-7 – Special Use Permit

Dave and Dara Heinlein have submitted an application for a Special Use Permit in order to convert a portion of an existing workshop to a Guest Cottage. This work has already been done. In 2012 they spoke with the then Building Inspector, who informed them that if the work was going to be under \$10,000 they would not need to get any permits in order to

convert the structure. Last month they applied for a Short-Term Rental License with the Town Clerk, and upon reviewing the Building Departments file it was discovered that no Certificate of Occupancy was ever received for the guest house. In order to obtain a Certificate of Occupancy from the Code Enforcement Officer, they must first obtain a Special Use Permit from the Planning Board for the Guest Cottage.

The Board reviewed the application and the supporting documents. Chair Rabuffo read the Short Environmental Assessment Form (attached to these minutes.)

The Planning Boards next meeting will be held on November 14, 2022. Board Member Spata makes a motion that a Public Hearing be set for November 14, 2022 at 6:45pm, seconded by Board Member Welton; all in favor.

County Liaison Report:

Attached

Adjournment:

There being no further business before the Board, a motion to adjourn the meeting was made by Board Member Christie

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
GARDEN COTTAGE IN THE CATSKILLS			
Name of Action or Project:			
HEINLEIN RESIDENCE			
Project Location (describe, and attach a location map):			
683 RT 214, CHICHESTER, N.Y. 12416			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone: 845-688-7507	
Dana and David HEINLEIN		E-Mail: danahweinlein@yahoo	
Address:			
683 RT 214 - PO. BOX 96			
City/PO:		State:	Zip Code:
Chichester		N.Y.	12416
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		50 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.5 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (Specify):			
<input checked="" type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- Shoreline
 Forest
 Agricultural/grasslands
 Early mid-successional
 Wetland
 Urban
 Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO YES

16. Is the project site located in the 100-year flood plan?

NO YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

NO YES

a. Will storm water discharges flow to adjacent properties?

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
If Yes, explain the purpose and size of the impoundment:

NO YES

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:

NO YES

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

NO YES

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: David Heinlein Date: 9-19-22

Signature: [Signature] Title: OWNER

PRINT FORM

County Liaison Report

- 1) Potential training opportunities for credits will happen before year-end, but I am still waiting for details. Cornell Cooperative will be running a flood training; will pass on info when I get it.
- 2) Shokan Sewer District was approved by voters in Olive on Sept. 24. Vote was 244 yes, 44 no, (out of 700 eligible voters)
- 3) Town of Kingston: Final approval for a hot asphalt plant to be built on the site of quarry on Rt. 28.
- 4) Catskill Aqueduct repair will result in re-routing of water. Releases from the Rondout may affect water in the Esopus during a 12-18 month period, timeline not specified.
- 5) Grant of \$4.9 million has been allocated for the Shandaken Rail Trail to be built from Pine Hill to Belleayre Beach, along the existing railroad tracks.
- 6) Location of the proposed Communication Towers to be constructed by the County in Shandaken and Olive is being narrowed down. No word yet on the final sites. Towers hopefully to include cell service, this is being negotiated.
- 7) Towns are being encouraged to join the Housing Smart Community program, which has funds to help with many needs, including funds for technical assistance for Zoning and Comprehensive Plan.
- 8) Town of Marlborough: STR law court challenge ruling prohibits an outright ban on non-owner occupied STRs, due to restriction of commerce issues. It is legal to put a cap on how many are allowed.